

WORKING DRAFT

Proposed Substitute Bill No. 5299

February Session, 2016

LCO No. 2862

AN ACT CONCERNING TOXIC FLAME RETARDANT CHEMICALS IN CHILDREN'S PRODUCTS AND UPHOLSTERED RESIDENTIAL FURNITURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2018*) (a) For the purposes of this
2 section:

3 (1) "Children's product" means a product, or article used as a
4 component of a product, designed or intended primarily for use by or
5 for children twelve years of age or younger, including, but not limited
6 to, clothing, toys, nursing pillows, crib mattresses, changing pads and
7 strollers. "Children's products" shall not include food, beverages,
8 dietary supplements, pharmaceutical products, biologics, consumer
9 electronics, off-highway motorcycles, all-terrain vehicles, children's
10 toys that are subject to the most recent version of the American Society
11 for Testing and Materials F963, Standard Consumer Safety
12 Specification for Toy Safety, devices as defined by the federal Food,
13 Drug and Cosmetic Act, 21 USC 321(h) or products governed by
14 federal motor vehicle standards contained in 49 CFR 571.213 and 49
15 CFR 571.302;

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16 (2) "Upholstered residential furniture" means furniture with
17 padding, coverings and cushions intended and sold for use in the
18 home or places of lodging.

19 (3) "TDCPP" or "TDCP" means tris(1,3-dichloro-2-propyl)phosphate;

20 (4) "TCEP" means tris(2-chloroethyl)phosphate; and

21 (5) "TCPP" means tris(1-chloro-2-propyl)phosphate.

22 (b) On and after July 1, 2018, no person may manufacture for use in
23 this state a children's product or upholstered residential furniture
24 containing, in amounts greater than .01 per cent by weight, the flame
25 retardant chemicals decabromodiphenyl ether,
26 hexabromocyclododecane, TDCPP, TDCP, TCEP and TCPP.

27 (c) On and after July 1, 2019, no person may sell or offer for sale or
28 for use in this state a children's product or upholstered residential
29 furniture containing, in amounts greater than .01 per cent by weight,
30 the flame retardant chemicals listed in subsection (b) of this section.

31 (d) The provisions of subsections (b) and (c) of this section shall not
32 apply to an individual who, for personal, family or household
33 purposes, uses, offers for resale, resells or distributes children's
34 products or upholstered residential furniture.

35 (e) A manufacturer shall not replace a flame retardant chemical
36 listed in subsection (b) of this section with a chemical that has been
37 identified, on the basis of credible scientific evidence published in
38 peer-reviewed scientific literature generally recognized by the relevant
39 scientific community, to harm the normal development of a fetus or
40 child, harm normal development, cause cancer, cause genetic damage
41 or reproductive harm, disrupt the endocrine system, damage the
42 nervous system, immune system or organs or cause other systemic
43 toxicity, be persistent, bioaccumulative and toxic or be very persistent
44 and very bioaccumulative.

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45 (f) The Commissioner of Consumer Protection shall, within
46 available appropriations, enforce the provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2018</i>	New section
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